IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 3442 of 1991

For Approval and Signature:

HONOURABLE MR.JUSTICE M.R. SHAH

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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RAINBOW VISION & 1 - Petitioner(s)

Versus

UNION OF INDIA & 3 - Respondent(s)

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Appearance :

NOTICE UNSERVED for Petitioner(s) : 1 - 2.
RULE NOT RECD BACK for Respondent(s) : 1, 4,
GOVERNMENT PLEADER for Respondent(s) : 2 - 3.

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CORAM : HONOURABLE MR.JUSTICE M.R. SHAH

Date : 24/11/2005

ORAL JUDGMENT

1.In this petition under Article 226 of the Constitution of India, the petitioners have prayed for an appropriate writ, direction or order declaring the provisions of Copy Right (Amendment) Act; 1984 as ultra vires and also for a declaration that the said

provisions are prospective and do not apply to the pre-recorded video cassette tapes in circulation prior to 8.10.1984. On the basis of the undertaking given by the petitioners, this Court granted the interim relief in terms of paragraph-35 (d) & (e).

2.This Court issued the notice upon the petitioners as the learned advocate appearing on behalf of the petitioners has been elevated to the Bench of this Court however, it is reported that they are not served as they are not residing at the given address. The Office issued notice upon the petitioners at the address given in the cause title and as stated above, they are not residing at the given address.

3.Under the circumstances, without entering into the merits of the case, the present Special Civil Application is dismissed as the petitioners might not have been interested in prosecuting further the petition as even otherwise, the present Special Civil Application is of the year 1991 and 14 years have passed. Hence, Rule is discharged. Ad-interim relief, if any, stands vacated forthwith.

(M.R.SHAH, J.)

kdc.